

Serial No.: 09/914,229

REMARKS

Claims 3-5, 10 and 11, as amended, remain herein.

The claims as examined in the Office Action mailed June 30, 2004 have been amended. Claim 4 has been amended to recite more clearly applicant's invention. See applicant's specification, at page 13, first and last paragraphs. Claims 1, 2, 6-9 and 12 have been cancelled without prejudice or disclaimer.

1. Objections were stated to the specification as allegedly lacking support for the claim term "track jump." The claims have been amended to return the wording to include the term "kicking," as originally filed. Withdrawal of the objection is respectfully requested.

2. Claims 1-12 were rejected under 35 U.S.C. §102(b) over Kang U.S. Patent 6,552,973. Claims 1, 2, 6-9 and 12 have been cancelled, thereby mooting their rejection.

The presently claimed optical disk device includes a control section for controlling track hold of a pickup with respect to an optical recording medium, wherein the control

Serial No.: 09/914,229

section is for measuring an offset amount of a lens relative to the center of the pickup, and delaying tracking processing until the offset amount is not greater than a predetermined value in order to carry out tracking after the control section effects kicking, as recited in claim 3. The presently claimed device also includes such control section for measuring an offset amount of a lens relative to the center of the pickup a plurality of times before the control section effects kicking, and for effecting kicking when the offset amount is reduced at the time of each measurement and a latest offset amount is within a predetermined range, as recited in claims 4 and 10. These arrangements and corresponding methods are nowhere disclosed or suggested in the cited reference.

The Office Action cites Kang '973 as allegedly disclosing a control section for measuring an offset amount of a lens relative to the center of the pickup, and for effecting kicking when the measured offset amount is not greater than a predetermined value. However, Kang '973 says nothing about tracking control after effecting kicking; Kang '973 does not

Serial No.: 09/914,229

disclose carrying out tracking after the control section effects kicking, as recited in applicant's claim 3.

Also, Kang '973 does not disclose a control section for measuring an offset amount of a lens relative to the center of the pickup a plurality of times before the control section effects kicking, and for effecting kicking when the offset amount is reduced at the time of each measurement and a latest offset amount is within a predetermined range, as recited in applicant's claims 4 and 10.

For the foregoing reasons, Kang '973 fails to disclose all elements of applicant's claimed invention, and therefore is not a proper basis for rejection under §102. And, there is no disclosure or teaching in Kang '973 that would have suggested the desirability of modifying any portions thereof effectively to anticipate or suggest applicant's presently claimed invention. Claim 5, which depends from claim 4, is allowable for the same reasons explained herein for claim 4, and claim 11, which depends from claim 10, is allowable for the same reasons explained herein for claim 10. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Serial No.: 09/914,229

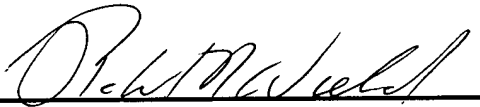
All claims 3-5, 10 and 11 are now proper in form and patentably distinguished over all grounds of rejection stated in the Office Action. Accordingly, allowance of all claims 3-5, 10 and 11 is respectfully requested.

Should the Examiner deem that any further action by the applicant would be desirable to place this application in even better condition for issue, the Examiner is requested to telephone applicant's undersigned representatives.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

November 17, 2004
Date


Roger W. Parkhurst
Registration No. 25,177
Robert N. Wieland
Registration No. 40,225

RWP:RNW/klb:ame:mhs

Attorney Docket No.: YMOR:219

PARKHURST & WENDEL, L.L.P.
1421 Prince Street, Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220